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C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 001791

SIPDIS

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E.O. 12958: DECL: 10/28/2019

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SUBJECT: COUNTERNARCOTICS -- NEW LEGISLATION STRENGTHENS  
KEY INDONESIAN BOARD

Classified By: Pol/C Joseph L. Novak, reasons 1.4(b+d).

¶1. (C) SUMMARY: With the recent signing of a new narcotics law, the Indonesian National Counternarcotics Board (BNN) emerged with a new structure and greatly expanded investigative powers. BNN is now an independent law enforcement agency that reports directly to the President's Office, and has full oversight nation-wide for narcotics policy and law enforcement. New authorities for BNN investigations include direct engagement with prosecutors and wiretapping. The GOI--which receives key cooperative assistance from the USG--has performed in a creditable manner in the anti-narcotics arena and the new legislation should enhance that effort. END SUMMARY.

#### A NEW LAW

¶2. (SBU) Indonesia has a new narcotics law. Mission officials met with BNN representatives on October 23 to review the new law. Indonesian principals at the meeting included Police Brigadier General Tommy Sagiman, Director of the Joint Interagency Counter Drug Operations Center (which is co-sponsored by DEA and DOD Joint Interagency Task Force West) and Special Advisor to the Indonesian National Police Chief and BNN Executive Director Jeanne Mandagi. Mandagi is the first female police brigadier general in Indonesia.

¶3. (U) The new narcotics law, Act No. 35, 2009, was passed by the Indonesian Parliament on September 14 and signed into law on October 12. The legislative process took approximately six years to complete--two years to work it through the interagency process and four years to obtain approval from key parliamentary committees.

¶4. (U) BNN was originally an administrative board that established national narcotics policy. The Chief of the Indonesian National Police was the Director of BNN and reported to the President. Provincial and urban-wide policy were under the control of governors and localities. BNN had limited law enforcement authorities, and investigators had to turn over results of investigations to the police for potential action and engagement with prosecutors.

¶5. (C) Based on the new legislation, BNN is now an independent agency with a Director who reports directly to the President. According to the new legislation, the head of BNN needs to have a law enforcement background, especially in the area of narcotics. (Note: Gories Mere, whose law

enforcement career spans over 30 years, is the current BNN Director. He is assisted by a Secretary General and five deputies who cover the following areas: Prevention; Law Enforcement; Rehabilitation; Legal Affairs and Cooperation; and, Community Empowerment. Gories is a highly respected and effective figure in Indonesia's law enforcement community. He is known for his dedication to rule of law and has a reputation for being incorruptible. Gories is a trusted advisor to the President and is the go-to guy to engage Indonesian interagency cooperation.)

¶6. (SBU) BNN's new structure importantly includes a direct line of command from the national BNN headquarters to provincial and municipal/city BNN offices, thereby giving BNN full authority for both narcotics policy and law enforcement throughout Indonesia. A dramatic expansion of responsibilities for BNN under the new law includes the authority for BNN investigators to work with prosecutors without having to first obtain approval from the Indonesian National Police. Its investigators can also directly convey investigative findings to prosecutors to request initiation of prosecution cases.

#### BNN GAINS WIRETAPPING AUTHORITY

¶7. (SBU) Another major element in the BNN's enhanced authority is the ability of its investigators to conduct wiretapping. The new regulation states that wiretapping can be conducted if there is probable cause and with the written permission of a court chair. Permission would be granted by the chair for a period of three months, after which the

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investigators can apply for an additional three-month period. However, BNN investigators may conduct wiretapping without permission of the court chair on an emergency basis provided that investigators subsequently apply for approval within a 24-hour period.

#### BROAD ADDITIONAL POWERS

¶8. (U) Additional BNN expanded authorities under the new law include the authority to:

- Interview and arrest suspects
- Launch interdiction against narcotics trafficking by land, sea, and air
- Perform controlled drug purchases and deliveries
- Conduct drug testing on suspects and on seized samples
- Fingerprint and photograph suspects
- Open and examine packages and letters and seal seized evidence
- Obtain financial, asset, and tax information from the Center for Reporting and Analyzing of Financial Transactions (PPATK), banks, financial institutions, and other government agencies as applicable
- Freeze assets related to illicit narcotics activities
- Request Immigration to carry out travel abroad bans for suspects
- Request the assistance of Interpol Indonesia and/or other international law enforcement bodies to trace and arrest suspects abroad and/or trace and seize evidence

#### KEY ORGANIZATION GAINS MUSCLE

¶9. (C) Although BNN is now an independent law enforcement agency, it remains tied into Indonesia's overall law

enforcement apparatus. The BNN's Mandagi noted that if BNN investigators turn up information or evidence for possible criminal activity unrelated to narcotics, the organization is required to turn the pertinent investigative findings over to the INP or another appropriate agency. Overall, the GOI--which receives key cooperative assistance from the USG--has performed in a creditable manner in the anti-narcotics arena and the new legislation should enhance that effort.

HUME